

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Transport Department – Allegation of misappropriation and embezzlement of Government revenue against Sri B. Bhadru Naik, M.V.I. – Punishment of dismissal from service imposed – O.A. filed – Allowed – Dismissal orders rescinded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (VIG.III.1) DEPARTMENT

G.O.Ms.No. 17.

Dated: 4th February, 2011.

Read the following:--

- 1) Charge Memo.No.133/C2/2000, Dated 25.4.2005 of Transport Commissioner, Andhra Pradesh, Hyderabad.
- 2) From Sri B.Bhadru Naik, MVI representation dated NIL.
- 3) Proceedings of the Transport Commissioner in R.No.133 /C2/2000, Dated 14.8.2005.
- 4) From the Enquiry Officer, Letter Dated 24.12.2008.
- 5) Proceedings of the Transport Commissioner, Andhra Pradesh, Hyderabad in R.No.3806/V3/2009 Dated 8.6.2009.
- 6) Memo.No.133/V3/2000-1, Dated 31.3.2010 of Transport Commissioner, Andhra Pradesh, Hyderabad.
- 7) Representation of Sri B.Bhadru Naik, Motor Vehicle Inspector, Dated 18.4.2010.
- 8) Proceedings of the Transport Commissioner, Andhra Pradesh, Hyderabad in R.No.133/V3/2000-1, Dated 24.4.2010.
- 9) Appeal filed by Sri B.Bhadru Naik, MVI Dated NIL.
- 10) Orders of Hon'ble Andhra Pradesh, Administrative Tribunal Dated 5.8.2010 in O.A. No.4403/2010.

ORDER:

Whereas disciplinary proceedings were initiated by framing article of charges vide reference 1st read above against Sri B. Bhadru Naik, MVI on the allegation that while he was working as Assistant Motor Vehicle Inspector in the O/o. the Deputy Transport Commissioner Karimnagar during 1999-2000 along with his attender namely Sri G.Ramesh, embezzled Government Revenue to a tune of Rs.2,07,310/- by way of submitting forged challans in number 226 in the Office of Regional Transport Authority Karimnagar and further he also did not remit the Government money of an amount of Rs.9,340/- in the bank and misappropriated the same;

2. And whereas in the Proceedings 3rd read above, an enquiry was ordered against Sri B.Bhadru Naik along with another on the said charges;
3. And whereas in his inquiry report received through the letter 4th read above, the Inquiry Officer held that the charges as proved;
4. And whereas after examining the matter, the Transport Commissioner, Andhra Pradesh, Hyderabad issued orders vide Proceedings 8th read above imposing the punishment of dismissal from service against Sri B.Bhadru Naik, MVI;
5. And whereas, against the said punishment of dismissal Sri B.Bhadru Naik, filed an appeal before the Government vide reference 9th read above and he also filed O.A.No.4403/2010 before the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad;

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6. And whereas, the Hon'ble Tribunal in its orders 10th read above while holding that the order of dismissal passed by the Transport Commissioner is without jurisdiction and set aside the impugned orders. The Hon'ble Tribunal further held that this shall not preclude the competent authority ie. the Government to pass appropriate orders by duly taking into consideration the points urged by the applicant in his explanation to the show cause notice and comments offered to the enquiry officer's report.

7. And whereas Government after careful examination of the matter in detail, and keeping in view as per the orders of Hon'ble Tribunal 10th read above, have decided to rescind the orders issued in the Proceedings 8th read above so as to enable the Government to take further action in the matter as per Rules.

8. And whereas, Sri B.Bhadru Naik, MVI who was placed under suspension with effect from 3.6.2009 vide Proceedings 5th read above; had been continuing under suspension by the time he was dismissed in the impugned orders by the Transport Commissioner.

9. Since the impugned orders issued by the Transport Commissioner in his Proceedings 8th read above are rescinded, Sri B.Bhadru Naik, MVI shall be deemed to be under suspension from the date of original orders passed in the proceedings 8th read above in terms of sub rule (4) of Rule (8) of Andhra Pradesh, Civil Services (CC&A) Rules, 1991 until further orders.

10. Sri B.Bhadru Naik, MVI under suspension shall be eligible for payment of the subsistence allowance during the period of suspension, as admissible under the rules in force.

11. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

Sri B.Bhadru Naik, MVI (under suspension) through the
Transport Commissioner, Andhra Pradesh, Hyderabad.

The Transport Commissioner, Andhra Pradesh, Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The file C.Nos.5918/Vig.III/2/2009 and C.No.15411/Vig.III/2/ 2008)

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER.